

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

HB 403 – SB 683

April 13, 2009

SUMMARY OF AMENDMENT (006287): Deletes all language after the enacting clause. Expands the list of persons prohibited from taking depositions to include a person who is having or has had, within the prior two years, a sexual relationship with a party or a party's lawyer. Creates a Class C misdemeanor for a court reporter, who is prohibited from taking a deposition under this legislation and knowingly fails or refuses to disclose relevant facts as required by this legislation. States if a videotaped deposition has been agreed to or ordered by a court pursuant to Rule 30 of the Rules of Civil Procedure, any lawyer or lawyer's agent may operate the video equipment. A deposition would be voidable within 30 days of the discovery that a prohibited person took a deposition unless both parties entered into a stipulation pursuant to Rule 29 and or an order was entered pursuant to Rule 30 of the Tennessee Rules of Civil Procedure, or if the party attempting to void the deposition violated this section directly or through a related person, including a spouse of one of the parties. Prohibits a person who is forbidden from taking a deposition under this legislation from recording or transcribing for submission to any court or administrative tribunal any hearing before any court or administrative agency concerning such action.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – Not Significant

Increase State Expenditures – Not Significant

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions applied to amendment:

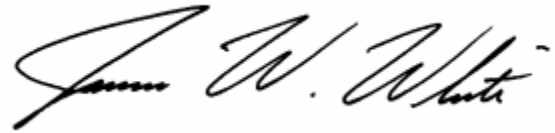
- Under current law, if a deposition is taken by a party to the action; relative, employee, or attorney of one of the parties; someone with a

financial interest in the outcome; or a relative, employee, or attorney of someone with a financial interest in the outcome the deposition is void.

- Private court reporters are utilized in civil matters and the cost is paid by the parties in the matter. If a state court reporter in a criminal case was prohibited from taking a deposition under this bill, a contract court reporter would be retained to take the deposition. Any increase in costs for the state judicial system is estimated to be not significant.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc